



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Selifonov et al.

Attorney Docket No.:  
MXGNP001X1/0124.410US

Application No.: 09/494,282

Examiner: Shubo Zhou

Filed: January 18, 2000

Group: 1631

Title: METHODS FOR MAKING CHARACTER  
STRINGS, POLYNUCLEOTIDES AND  
POLYPEPTIDES HAVING DESIRED  
CHARACTERISTICS

#35  
Plunkett  
11/4/02

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as First Class Mail to: Commissioner for  
Patents, Washington, DC 20231 on October 18, 2002.

Signed: Leslie Russell  
Leslie Russell

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In response to the Restriction Requirement dated September 18, 2002, Applicant hereby elects, with traverse, Group II, claims 99-101 to prosecute in the above-identified patent application.

It is respectfully submitted that the claims of Group II and III are not properly separated. The Examiner can see that the operations (a) through (c) in both independent claim 99 and independent claim 102 are essentially identical. The only real difference comes about in the fact that claim 102 recites code for performing the various method steps recited in claim 99. Since the inventive concepts of both groups is directed to computational procedures (note that method claim 99 recites computationally manipulating and computationally selecting), any search for the methods of Group II must necessarily embody a search of the computer program products of Group III. It is respectfully submitted that it would be impossible to properly search the art of one of these groups independently of the other. It is also respectfully submitted that it would not

constitute an undue burden to examine both Groups II and III together. Withdrawal of the Restriction Requirement with respect to Groups II and III is respectfully requested.

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. MXGNP001X1).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

  
Jeffrey K. Weaver  
Registration No. 31,314

P.O. Box 778  
Berkeley, CA 94704-0778

1631

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Signed:

Leslie Russell

TRANSMITTAL

Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

- Applicant(s) hereby petition for a \_\_\_\_\_ month extension(s) of time to respond to the aforementioned Office Action.
- Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.
- Enclosed is our Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the additional claim fee and/or extension of time fees.
- Please charge any fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. MXGNP001X1).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

Jeffrey K. Weaver  
Reg. No. 31,314

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